



## 1. **FACTUAL BACKGROUND**

Plaintiff commenced this action alleging Plaintiff Matthew McAllister sustained personal injuries arising out the operation of a Onewheel electric skateboard (the “Onewheel”) made and sold by Defendant, and asserting claims sounding in product liability and negligence against Defendant. The matter was filed on or about March 15, 2023.

On September 1, 2023, Defendant filed a motion with the JPML, pursuant to 28 U.S.C. § 1407, to transfer for coordinated proceedings all federal cases, including this one, which involve common issues of fact and law involving the Onewheel electric skateboard made and sold by Future Motion (hereinafter, the “federal Onewheel-related cases”). Defendant’s motion, which Defendant anticipates the JPML will grant given the number of impacted cases, would transfer this case from this Court to an MDL. A copy of the Motion in MDL No. 3087 *IN RE: Future Motion, Inc. Products Liability Litigation* before the JPML is annexed hereto as Exhibit A.

The parties agree a stay of all proceedings in this action pending the determination of the motion by the JPML will conserve the parties’ resources and promote judicial economy.

## 2. **STANDARD OF REVIEW**

The authority of a federal court to stay proceedings is well-established. See *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”). “Courts frequently grant stays pending a decision by the MDL Panel regarding whether to transfer a case.”

*Hoskinson-Short v. Capital One Fin. Corp.*, No. C19-1218 RSM, 2019 U.S. Dist. LEXIS 152360, at \*3 (W.D. Wash. Sep. 5, 2019) (alteration omitted) (quoting *Good v. Prudential Ins. Co. of Am.*, 5 F. Supp. 2d 804, 809 (N.D. Cal. 1998)).

**3. DISCUSSION: THE COURT SHOULD STAY PROCEEDINGS**

Defendant respectfully asks the Court to stay all proceedings in this case pursuant to its inherent authority to manage its docket. The JPML will review and decide on Defendant's motion to transfer this and other federal Onewheel-related cases to an MDL for coordinated proceedings. Defendant anticipates the JPML will grant its motion, as centralization of the numerous federal Onewheel-related cases will facilitate coordinated discovery, prevent inconsistent rulings, and promote the convenience of the parties and the courts. While this motion is pending, the parties do not wish to expend resources on discovery and other litigation tasks which would be duplicative of actions to be taken in the MDL.

Defendant proposes that, if the JPML declines to transfer this case, the parties should promptly notify this Court and propose a new Scheduling Order for the consideration of dispositive motions, pretrial motions, pretrial filings, and trial.

**WHEREFORE**, Defendant Future Motion, Inc., respectfully requests that the Court grant the instant Stipulated Motion and stay all proceedings in this case pending the JPML's decision regarding transfer and coordination of this and other federal Onewheel-related cases.

**CERTIFICATE OF CONFERENCE**

Counsel for Future Motion, Inc. conferred with Plaintiff's counsel on September 11,

2023 regarding the above referenced motion. Plaintiff's counsel does not oppose the relief requested, although he reserves the right to move the Court to lift the stay in the event the JPML takes significant time to decide the motion.

September 12, 2023.

s/ Kathleen Curtis

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